SUMMARY OF INTERVIEW

Attendees, Date and Type of Interview

The telephonic interview was conducted on September 26, 2008 and attended by Rosanne Kosson and Che Chereskin.

Exhibits and/or Demonstrations

Identification of Claims Discussed

A proposed amended claim set was faxed to the Examiner prior to the interview

Identification of Prior Art Discussed

Johnson, et al. (US 5,939,070)

Proposed Amendments

Claim 8 was amended to recite "wherein the botulinum neurotoxin is derived from one of botulinum toxin type A, B, C, D, E, or F" to express that the heavy and light chains are from the same serotype.

Principal Arguments and Other Matters

It was suggested by Examiners Kosson and Weber during the March 26th interview that Johnson, et al. teach away from using heavy chain and light chain from the same serotype and that the claims could be distinguished from Johnson, et al. if amended to specify that the heavy and light chains are from the same serotype. The proposed amendment is responsive to this discussion.

It was further argued by Applicants' representative that Johnson, et al. teach the use of heavy and light chains from different serotypes in order to reduce antigenicity and that in view of this teaching, Applicants' results showing reduced antigenicity using purified neurotoxin having both heavy and light chains from the same serotype was unexpected and contrary to the teaching of Johnson, et al.

Results of Interview

Examiner Kosson agreed that the proposed amendment overcame the Johnson, et al. reference but cautioned that the search would need to be updated and also pointed out that the present claim language includes partially purified neurotoxin that still has some non-toxic proteins. It was suggested by Examiner Kosson to further amend claim 8 to state that the purified botulinum neurotoxin is free from all non-toxic proteins of the complex.